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18 Attorneys for Defendants and Cross-Defendants
19 CATLIN SPECIALTY INSURANCE COMPANY,
20 GREENWICH INSURANCE COMPANY, and XL
21 INSURANCE AMERICA, INC.

22 **UNITED STATES DISTRICT COURT**
23 **DISTRICT OF NEVADA**

24 EMPLOYERS MUTUAL CASUALTY
25 COMPANY, an IOWA CORPORATION,

26 Plaintiff,

27 v.

28 ZURICH AMERICAN INSURANCE
COMPANY, an ILLINOIS CORPORATION;
CATLIN SPECIALTY INSURANCE
COMPANY, a DELAWARE
CORPORATION; GREENWICH
INSURANCE COMPANY, a DELAWARE
CORPORATION, XL INSURANCE
AMERICA, INC., a DELAWARE
CORPORATION and DOES 1 through 250,
inclusive,

Defendants.

Docket No.: 2:18-cv-00089

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**
(in compliance with LR 26-4)

(FIRST REQUEST)

1 ZURICH AMERICAN INSURANCE
2 COMPANY, an ILLINOIS CORPORATION,

3
4 Counter-claimant,

5 v.

6 EMPLOYERS MUTUAL CASUALTY
7 COMPANY, an IOWA CORPORATION,

8 Counter-defendant.

9 ZURICH AMERICAN INSURANCE
10 COMPANY, an ILLINOIS CORPORATION,

11 Cross-claimant,

12 v.

13 CATLIN SPECIALTY INSURANCE
14 COMPANY, a DELAWARE
15 CORPORATION; GREENWICH
16 INSURANCE COMPANY, a DELAWARE
17 CORPORATION; XL INSURANCE
18 AMERICA, INC., a DELAWARE
19 CORPORATION and DOES 1 through 250,
20 inclusive,

21 Cross-defendants.

22
23 IT IS HEREBY STIPULATED AND AGREED, by and between plaintiff/counter-defendant
24 EMPLOYERS MUTUAL CASUALTY COMPANY ("Plaintiff"), by and through its attorneys THE
25 GRAD LAW FIRM, defendant/counter-claimant/cross-claimant ZURICH AMERICAN
26 INSURANCE COMPANY ("Zurich"), by and through its attorneys MORALES FIERRO &
27 REEVES, and defendants/cross-defendants CATLIN SPECIALTY INSURANCE COMPANY,
28 GREENWICH INSURANCE COMPANY, and XL INSURANCE AMERICA, INC., ("XL Catlin"),
by and through its attorneys DUANE MORRIS LLP, that the deadlines in the Stipulated Discovery
Plan and Scheduling Order (ECF No. 29) be extended as provided herein.

...

A. DISCOVERY COMPLETED

The parties, through counsel, participated in a Fed. R. Civ. P. 26(f) conference on February 9, 2018 and are currently engaged in a considerable amount of written discovery, as outlined below.

Discovery Propounded to Date:

Party	Discovery	Served
Plaintiff	Initial Disclosures (to all parties)	April 27, 2018
Catlin	Initial Disclosures (to all parties)	April 27, 2018
Zurich	Initial Disclosures (to all parties)	April 27, 2018
Catlin	First Interrogatories, Requests for Production, and Requests for Admissions to Zurich	May 4, 2018
Catlin	First Interrogatories, Requests for Production, and Requests for Admissions to Plaintiff	May 4, 2018
Plaintiff	First Interrogatories, Requests for Production, and Requests for Admissions to Greenwich Ins. Co.	May 8, 2018
Plaintiff	First Interrogatories, Requests for Production, and Requests for Admissions to Catlin Specialty Ins. Co.	May 8, 2018
Plaintiff	First Interrogatories, Requests for Production, and Requests for Admissions to XL Insurance America, Inc.	May 8, 2018
Plaintiff	First Interrogatories and Requests for Production to Zurich	May 9, 2018
Zurich	First Interrogatories, Requests for Production, and Requests for Admissions to Catlin Specialty Ins. Co.	May 17, 2018
Zurich	First Interrogatories, Requests for Production, and Requests for Admissions to Greenwich Ins. Co.	May 17, 2018
Zurich	First Requests for Production, and Requests for Admissions to XL Insurance America, Inc.	May 17, 2018
Zurich	First Interrogatories and Request for Production to Plaintiff	May 17, 2018
Zurich	First Interrogatories to XL Insurance America, Inc.	May 22, 2018

B. DISCOVERY TO BE COMPLETED

In the event mediation, scheduled to take place on July 23, 2018, is unsuccessful, the parties anticipate retaining, disclosing, and deposing experts, and taking multiple Fed. R. Civ. P. 30(b)(6) depositions.

1 **C. REASONS WHY DISCOVERY WILL NOT BE COMPLETED WITHIN**
2 **DEADLINES SET FORTH IN SCHEDULING ORDER**

3 Pursuant to LR 26-4, a request to extend a discovery deadline within 21 days of the subject
4 deadline must be supported by good cause. Good cause exists here as the parties have agreed to
5 mediate this matter on July 23, 2018, with Ross Hart at AMCC, prior to incurring the considerable
6 expenses associated with retaining experts, taking expert and Fed. R. Civ. P. 30(b)(6) depositions,
7 and engaging in expert discovery. The parties are hopeful that incurring such expenses only in the
8 event mediation is unsuccessful will assist in potentially bridging the gap for settlement. An
9 obstacle the parties face, however, is the initial expert disclosure deadline is currently scheduled for
10 June 22, 2018, over one-month prior to the scheduled mediation.

11 Additionally, this action involves a relatively complex insurance coverage dispute involving
12 multiple insurers stemming from a multi-million dollar settlement arising from the alleged corrosion
13 of fuel tanks. Furthermore, the parties have collectively preliminarily identified dozens of likely
14 witnesses (many of which will likely need to be deposed prior to trial), and have produced—and
15 continue to produce—documents. Finally, the parties anticipate Plaintiff producing additional
16 documents once a stipulated protective order is in place, which the parties are currently working on.

17 Thus, for the numerous reasons outlined herein, the parties have agreed that at least a three-
18 month (90 day) extension of all remaining discovery deadlines is warranted. As such, the parties
19 have stipulated and agreed to extend discovery deadlines, as outlined below.

20 ...

D. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY

ACTIVITY	CURRENT DEADLINE	PROPOSED DEADLINE
Initial Experts	June 22, 2018	September 20, 2018
Rebuttal Experts	July 23, 2018	October 22, 2018
Close of Discovery	August 21, 2018	November 19, 2018
Dispositive Motion Deadline	September 20, 2018	December 19, 2018
Pretrial Order (if no dispositive motions are filed)	October 22, 2018	January 18, 2019

IT IS SO STIPULATED this 6th day of June, 2018.

THE GRAD LAW FIRM

By /s/ Laleaque Grad
Laleaque Grad, (SBN 8475)
Attorneys for EMC

MORALES FIERRO & REEVES

By /s/ Ramiro Morales
Ramiro Morales, (SBN 7101)
Attorneys for Zurich

DUANE MORRIS LLP

By: /s/ Tyson E. Hafen
Tyson E. Hafen (SBN 13139)
Attorneys for XL Catlin Defendants

IT IS SO ORDERED this 11th day of June, 2018.


U.S. DISTRICT MAGISTRATE JUDGE